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37 CFR 41.37 APPEAL BRIEF

BOX STOP APPEAL BRIEF - PATENTS

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ALEXANDRIA, VA 22313-1450

Sir:

This is an appeal from the Office action mailed December 9, 2004. A Notice of Appeal was timely filed March 7, 2005. The claims on appeal are set forth in Appendix I.

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I. 37 CFR 41.37(c)(1)(i) Real party in interest

The real party in interest is Catalina Marketing International, Inc., a Delaware corporation, which is wholly owned by Catalina Marketing Corporation, a Florida corporation.

II. 37 CFR 41.37(c)(1)(ii) Related appeals and interferences

There are no related appeals or interferences.

III. 37 CFR 41.37(c)(1) (iii) Status of claims

Claims 1-8, 10-18, 20-24, 26-40, 42-57, 60-63, and 65-73 are pending, rejected, and under appeal.

IV. 37 CFR 41.37(c)(1) (iv) Status of amendments

All amendments have been entered.

V. 37 CFR 41.37(c)(1)(v) Summary of claimed subject matter

A. Independent Claims

1. An in-vehicle promotions system installed in a vehicle, comprising:

a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity; [Fig. 5A item 50; page 10 lines 4-12.]

a controller connected to said receiver; [Fig. 3 item 11; page 8 lines 2-4.]

a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle and to receive promotional information targeted for said person based on a purchase history of said person; [Fig. 3 item 12; page 8 lines 7-13; page 12 lines 2-12; Fig. 4 item 20.]

and

an interior display configured to be installed in an interior of said vehicle and connected to said controller, [Fig. 3 item 13; page 8 lines 14-20.]

wherein said controller automatically outputs said promotional information to said

interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity. [page 7 lines 4-18.]

29. An in-vehicle promotions system installed in a vehicle, comprising:

an RF transmitter configured to transmit identity information identifying a person associated with said vehicle; [Fig. 3 item 12.]

an RF receiver configured to receive transmitted promotions information targeted for said person based on a purchase history of said person; [Fig. 3 item 16.]

a controller connected to said receiver; [Fig. 3 item 11.]

a device configured to monitor a position of said vehicle in relation to a commercial entity; and [Fig. 3 item 16; page 9 lines 14-17.]

an interior display configured to be installed in an interior of said vehicle and connected to said controller wherein said controller causes said promotions information to be automatically displayed on said interior display based on an automatically detected position of said vehicle which indicates that the vehicle is in a predetermined position with respect to the commercial entity. [Fig. 3 items 3 and 4; page 10 line 13 to page 11 line 9.]

43. A method of displaying promotions information to a vehicle occupant, comprising:

transmitting identifying information identifying a person associated with said vehicle; [Page 12 lines 2-9.]

storing data corresponding to promotions information targeted for said person based on a purchase history of said person in said vehicle; [Page 12 lines 13-18.]

monitoring a position of said vehicle in relation to a store with which the promotions information is associated; and [Page 10 lines 13-21.]

automatically displaying said data on an interior display after it is automatically detected by said monitoring step that said vehicle comes within a defined proximity to the store with which said promotions information is associated. [Page 10 line 25 to page 11 line 4.]

59. A method of displaying promotions information in a vehicle, comprising:

storing data corresponding to said promotions information in said vehicle; [Page 13 lines

13-15; page 17 lines 3-5.]

associating said promotions information with a store; and [Page 13 lines 15-16; page 17 lines 6-7.]

displaying said data based upon user request for information concerning said store. [Page 13 lines 16-17; page 8 line 25 to page 9 line 10; page 17 lines 8-9.]

60. A method of distributing promotions information, comprising:

forming a database of promotions information of at least one store; [Fig. 1 item 7; page 15 line 13; fig. 4 item 25; page 7 lines 23-25.]

communicating to said store identifying information identifying a person associated with said vehicles; [Page 11 line 26 to page 12 line 12.]

wirelessly distributing data corresponding to promotions information, targeted for said person based on a purchase history of said person, to a vehicle; [Page 12 lines 10-12.]

monitoring a position of said vehicle in relation to a store; and [Page 10 lines 4-21.]

automatically displaying on an interior display said data to occupants of said vehicle after it is automatically detected by said monitoring step that said vehicle comes within a defined range of said store. [Page 15 lines 21-26.]

65. An in-vehicle promotions system installed in a vehicle, comprising:

a position receiver configured to monitor a position of said vehicle in relation to a commercial entity having a predetermined proximity zone assigned thereto; [Fig. 3 item 16; fig. 10 item 91; page 10 lines 4-12.]

a wireless communications device configured to receive promotional information from said commercial entity; and [Fig. 3 item 12; fig. 10 item 91; page 13 lines 2-10.]

a controller coupled to said position receiver and said wireless communications device and configured to process said promotional information for display when said controller determines that said vehicle is within the predetermined proximity zone assigned to said commercial entity; and [Fig. 3 item 11; fig. 10 item 92; page 13 lines 4 1-12.]

an interior display configured to be installed in an interior of said vehicle and connected

to said controller, said interior display configured to display said promotional information data.
[Fig. 3 items 13 and 14; fig. 10 item 94; page 8 lines 14-24.]

B. Structures, Materials, and Acts Supporting “Means For” Recitations

6. A system as recited in claim 5, comprising:

means for updating said memory. [Fig. 3 item 16; fig. 10 item 92; page 10 lines 13-21.]

10. A system as recited in claim 1, comprising:

means for storing information linking a zone with promotions information; and

said controller retrieving said promotions information associated with said zone based upon said vehicle entering said zone. [Page 10 lines 13-21.]

11. A system as recited in claim 10, comprising:

means for storing information linking a zone proximate to a store with promotions information associated with said store. [Page 10 lines 13-21.]

13. A system as recited in claim 1, comprising:

means for storing information linking promotions information with a business entity;

and said controller retrieving said promotions information associated with said business entity based upon a user request for information related to said business entity. [Page 10 lines 13-21.]

14. A system as recited in claim 1, comprising:

means for storing information linking a zone with promotions information; and

said controller retrieving said promotions information associated with said zone based upon a user request for information related to said business entity. [Page 10 lines 13-21.]

16. A system as recited in claim 15, wherein said display includes means for activating printing of a coupon information using said printer. [Page 11 lines 7-9.]

17. A system as recited in claim 1, wherein said controller comprises means for logging activity related to display of said promotions information. [Page 12 lines 21-28.]

22. A system as recited in claim 21, wherein:

said receiver is adapted to output a position of said vehicle to said controller;

said controller comprises means for retrieving promotions information from said host system based upon said position. [Fig. 3 items 11, 12 and 15; page 13 lines 21-27; page 12 lines 13-17; page 13 lines 8-10.]

23. A system as recited in claim 21, comprising:
a memory connected to said controller storing information linking position and a storage location of corresponding promotions information;

said controller comprises means for automatically retrieving from said host system updated information linking said position and said location of corresponding promotions information. [Fig. 3 item 12; page 13 lines 21-27.]

27. A system as recited in claim 1, comprising:
means for storing at least one of position data corresponding to a position of a store with which promotions data is associated and identification data identifying said store; [Fig. 2B item 30; page 13 lines 13-15.]

said display including means for displaying said data based upon at least one said position data and said identification data.

28. A system as recited in claim 27, comprising:
means for retrieving said promotions data based upon at least one of said position data and said identification data. [Fig. 3 item 11; page 13 lines 15-17.]

33. A system as recited in claim 32, wherein said display includes means for activating printing of said coupon information using said printer. [Fig. 3 item 14; fig. 7 item 74; page 8 lines 17-19.]

35. A system as recited in claim 34, comprising:
means for updating said storage device. [Fig. 3 item 14; fig. 10 item 92; page 10 lines 13-21.]

VI. **37 CFR 41.37(c)(1)(vi) Grounds for rejection to be reviewed on appeal**

The rejections of claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,627,549 to Park, in view of U.S. Patent No. 5,835,061 to Stewart, and further in view of U.S. Patent No. 5,979,757 to Tracy et al (hereinafter Tracy).

The rejections of claims 65-73 under 35 U.S.C. 103(a) as being unpatentable over Park in view of Stewart.

The rejections of claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Stewart and Tracy, and further in view of U.S. Patent No. 5,867,780 to Malackowski et al (hereinafter Malackowski),.

VII. 37 CFR 41.37(c)(1)(vii) Argument

A. The Rejections of Claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 Under 35 USC 103(a) as Being Unpatentable Over Park in View of Stewart and Further in View of Tracy

1. Independent Claim 1

a. The Examiner's Assertions

The examiner rejects claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 under 35 USC 103(a) as being unpatentable over Park, Stewart, and further in view of Tracy, asserting that:

Claims 1, 3-7, 10-14, 17, 18, 20-24, 26-29, 34-40, 42-45, 49-57, 60, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,627,549 in view of Stewart, U.S. Patent No. 5,835,061, and further in view of Tracy et al (hereinafter Tracy), U.S. Patent No. 5,979,757.

Regarding to claim 1, Park discloses an in-vehicle promotions system installed in a vehicle, comprising:

a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity (figure 2, item 80 and column 5, lines 10-17; the GPS receiver 80);

a controller connected to said receiver (figure 2, item 60 and column 5, lines 17-20; microprocessor 60);

a wireless communications connected to said controller device and configured to receive promotional information and (column 3, lines 35-48; the

Gaskill paging system uses FM radio signal); and

an interior display configured to be installed in an interior of said vehicle and connected to controller (figure 2, item 100 and column 5, lines 20-32; the display 100).

wherein controller outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity (column 5, lines 20-32; column 6, lines 3-15 and figure 3).

Park does not disclose a wireless communications device configured to transmit identity information identifying a person associated with the vehicle and to receive promotional information targeted for the person based on a purchase history of the person. However, Stewart discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device and to receive promotional information targeted for the person based on a purchase history of the person (column 5, lines 40-55; the mobile unit 5 transmit the identification number of the mobile unit 5, the AP 10 thereby identifying both the user and his location to the network; column 7, lines 5-20; column 6, line 50- column 7, line 5; the service providers 20 extract data from past transactions for each of user in order to provide corresponding services for new transactions). Moreover, Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Stewart for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically outputting said promotional information to said interior display. However, Tracy discloses automatically outputting said promotional information to said interior display (column, lines; automatically outputting the promotional information to the display of the portable terminal 70). Moreover, Therefore, it would have been

obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Office action mailed December 9, 2004 page 2 line 20 through page 16 line 6.]

b. The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner

i. Park

In rejecting claim 1, the examiner relies upon the following passages from Park:

The Gaskill paging system and associated receiving devices provide an inexpensive, highly battery-efficient and highly miniaturized paging device which, under the illustrated embodiment of the present invention, constitutes a data radio signal receiver 62 (FIG. 2) as a conduit for data broadcast 26 delivery to device 40.

Generally the Gaskill paging system uses FM radio signal transmission facilities to broadcast within a side-band frequency paging signal data packets according to a time-division multiplexed protocol. Thus, voice broadcast 22 comprises the normal FM radio signal broadcast and data broadcast 26 represents the side-band paging system broadcast. [Park at column 3 lines 34-48.]

* * *

A global position system receiver 80 receives the transmission 52 from global position system satellite 50 and delivers to microprocessor 60 a current vehicle location 82. In this manner, microprocessor 60 requests from global position system radio receiver 80 a current vehicle location and receives in return the current vehicle location 82.

Microprocessor 60 receives other vehicle information. For example, a fuel gauge sensor 90 provides a fuel remaining input 92 to microprocessor 60.

Microprocessor 60 drives a display 100. Display 100 presents, for example, tuning and station selection information relative to the voice radio receiver 60 to provide an FM radio capability wherein the operator of vehicle 10 manipulates input controls 102, i.e., volume, station select, and other controls described more fully hereafter, to listen to a selected voice broadcast 22. Display 100 further presents, as described more fully hereafter, data relevant to stored geographic points of interest 14 and also graphic indication, i.e., a vector indicating distance and direction, of a selected geographic point of interest 14 relative to the current vehicle location. [Park at column 5 lines 10-32.]

* * *

As illustrated in FIG. 3, display 100 presents a text message display portion 100a showing information such as vendor name, address, and current marketing information, for example, a sale or promotional activity including a date of availability for the promotional activity. Display portion 100a further presents a category of vendor, e.g., sporting goods. As may be appreciated, the data records obtained from data broadcast 26 and stored in device 40 include a variety of fields as indicated generally by the display portion 100a in FIG. 3. In such form, information maintained in device 40 may be manipulated in the manner of a database, e.g., searching, sorting, and other such database record management functions. [Park at column 6 lines 4-16.]

ii. **Stuart**

In rejecting claim 1, the examiner relies upon the following passages from Stewart:

In one embodiment, when a beacon signal output from the mobile unit 5 is detected and received by AP 10, information in the beacon signal identifying the mobile unit is transmitted back to network 15. The information sent back to network 15 includes the identification number of the mobile unit 5 and AP 10, thereby identifying both the user and his location to the network. Using this identification and location data, network 15 provides desired services (or arranges

to provide desired services by accessing appropriate providers) and essential information to the user of the mobile unit 5. Based on the type of information required, network 15 may access one or more information providers 20 to provide the information or services to the user. One or more information providers 20 are coupled to network 15 in a ring-network configuration, a star-network configuration, or other type of connection known in the art. [Stewart at column 5 lines 40-55.]

* * *

By way of example and not limitation, service and information providers 20 may include car rental agencies, hotels, restaurants, airline reservation centers, banks, taxi services, bus and train reservation offices, printing services, on-line database services, message services, and E-mail providers, so that the user can receive messages. The system according to the invention may also provide the user access to updates on specific databases, such as a database maintained by the user's employer (e.g., a company rolodex) or the user's own personal databases and any other service which can be used in a remote manner.

Any of the service and information providers 20 may maintain in memory data files on members and subscribing merchants and have the ability to extract data from past transactions for each of the users to facilitate future plans. In this way, the service providers have available the information to learn the past habits and preferences of their subscribers and provide corresponding services for new transactions. [Stuart at column 6 line 50 to column 7 line 5.]

iii. **Tracy - Examiner Specifies No Column or Line Numbers**

In rejecting claim 1, the applicants respectfully submit that although the examiner apparently relies upon Tracy, the examiner does not specify any column or line numbers of the passages from Tracy that the examiner alleges teach the claimed limitation “automatically outputting said promotional information to said interior display.”

- c. **Applicants' Reply - Claim 1 Recites "...a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle..."**

Claim 1 recites:

1. An in-vehicle promotions system installed in a vehicle, comprising:
a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity;
a controller connected to said receiver;
a wireless communications device connected to said controller and configured to *transmit identity information identifying a person associated with said vehicle* and to receive *promotional information targeted for said person* based on a purchase history of said person;
and
an interior display configured to be installed in an interior of said vehicle and connected to said controller,
wherein said controller automatically outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity. [Emphasis added.]

- d. **Support In Applicants' Specification for the Recitation
"...identity information identifying a person associated with said vehicle..."**

The plain words of claim 1 define (1) "identity information identifying a person associated with said vehicle" and (2) "promotional information targeted for said person."

The use of the word "person" indicates that what the "identity information" does not identify the vehicle or the communication device used to transmit the "identity information." This conclusion is confirmed by consistency with the written specification's description of "identity information" at page 11 line 26 to page 12 line 1:

The preferred embodiment of the invention allows the *person* in vehicle 1 to enter their *personal identification information* through a touch screen display 14. Alternative embodiments could preprogram controller 11 with identification information or allow programming through port 17. [Specification at page 11 line 26 to page 12 line 1; emphasis added.]

e. **Disputed Factual Assertion - Park In Combination With Stewart and Tracy Do Not in Fact Teach or Suggest The Subject Matter Defined by Claim 1**

In rejecting claim 1, the examiner admits that Park does not teach or suggest all the limitations of claim 1. Specifically, the examiner admits that “Park does not disclose a wireless communications device configured to transmit identity information identifying a person associated with the vehicle and to receive promotional information targeted for the person based on a purchase history of the person.” In an attempt to overcome the deficiencies of Park, the examiner relies upon Stuart. However, the proposed combination does not teach or suggest the subject matter defined by claim 1. This is because one of ordinary skill in the art would recognize that Stuart only teaches identifying a mobile unit, not a person.

The examiner apparently corresponds the following passages from Stewart with the recitation “identity information identifying a person associated with said vehicle”:

In one embodiment, when a beacon signal output from the mobile unit 5 is detected and received by AP 10, information in the beacon signal *identifying the mobile unit* is transmitted back to network 15. The information sent back to network 15 includes the *identification number of the mobile unit 5* and AP 10, thereby identifying both the user and his location to the network. [Stewart at column 5 lines 40-55; emphasis added.]

However, one of ordinary skill in the art would have recognized that Stuart’s “identification number of the mobile unit” is not “identity information identifying a person” because Stuart’s “identification number” does not identify the person using the mobile unit.

Stuart's "identification number" merely identifies the mobile unit itself, as explained by Stuart at column 4 lines 8-21. One of ordinary skill in the art would have recognized that Stuart's "identification number" only identifies the wireless account associated with the mobile unit, i.e., the account that will be billed for the use of the mobile unit.

One of ordinary skill in the art would also have recognized that Stuart's mobile unit "identification number" cannot be configured or changed to identify the person using Stuart's "mobile unit." This is because Stuart's mobile unit identification number is a number assigned to the mobile unit hardware. Stuart's "identification number" is necessarily limited to an association with one single account. In contrast, the specification of this application states, for example, that the invention "allows the person in vehicle 1 to enter their personal identification information through a touch screen display 14."

Therefore, one of ordinary skill in the art would not equate Stuart's "identification number" with the claimed "identity information identifying a person associated with said vehicle" recited in claim 1.

f. **The Examiner Provides No Proper Motivation or Suggestion to
Combine Park, Stewart, and Tracy**

Applicants respectfully submit that the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to have combined Park, Stewart, and Tracy absent impermissible hindsight.

Park is directed to a method limited to "vehicle information systems providing information relevant to current vehicle location." Park at column 5 lines 9-16. Park teaches that GPS is used to locate current vehicle position. Park at column 4 lines 11-19. One of ordinary skill in the art would have recognized that GPS and similar systems, although useful for tracking geographic position, are completely unsuitable for determining the identity of a particular person using the GPS system. Nothing in a GPS system requires or even remotely suggests transmitting identity information. One of ordinary skill in the art would have recognized that a GPS receiver cannot transmit any information, and in particular not identity information.

Stuart is directed to a "geographic-based communications service" for "using known locations of wireless local area network access points (APs) to service mobile users (MUs) of

portable smart devices (e.g., notebook, personal computers, PDA, etc.) who are in the vicinity of these APs.” Stuart at column 1 lines 8-14. Stuart is limited to methods utilizing the position of a “mobile unit.” Stuart discloses at column 4 lines 8-21 that :

As illustrated in FIG. 2 a first step according to the invention is establishing a connection between a *mobile unit* and an access point. Referring again to FIG. 1, the *mobile unit* 5 can send a beacon signal that is picked up by one of the APs 10 located in a plurality of locations within a geographic region. When the beacon signal is picked up by a particular AP 10, the beacon signal is transmitted back to the management information base (MIB) 25 by AP 10. Since the location of the access point is defined and known by MIB 25, detection of the presence of the *mobile unit* by an AP 10 allows MIB 25 to know exactly where the mobile user is located at any given time. For example, the MIB could store the latitude, longitude, altitude, and other geographic information such as a local map of the area of each access point. [Stuart at column 4 lines 8-21; emphasis added.]

One of ordinary skill in the art would have recognized that Stuart’s method only utilizes the position of a particular “mobile unit” and does not in fact utilize the position or identity of a particular person or persons. Stuart further discloses at column 4 lines 48-55 that:

In another approach according to the invention, one or more selected APs 10 can be programmed to watch for the arrival of a particular *mobile unit* (target mobile unit). Upon detecting the presence of the *target mobile unit*, the AP 10 establishing the link with the target *mobile unit* sends a message directly to the rental car agency, hotel, etc. Since the message has been sent, other APs can then be directed to cease watching for the target *mobile unit*. [Stuart at column 4 lines 48-55; emphasis added.]

Therefore, applicants respectfully submit that one of ordinary skill in the art would not have found a motivation to combine the teachings Stuart, which are in fact merely directed toward targeting a mobile unit, not a person, with the teachings of Park to obtain the subject

matter of claim 1, absent impermissible hindsight. Claim 1 recites “identity information identifying a person.” Park’s method only identifies a “vehicle.” Stuart’s method only identifies a “mobile unit.” Neither Park’s nor Stuart’s disclosed methods can in fact identify a person.

Tracy is directed to a “portable data terminal” but teaches nothing concerning “identity information identifying a person.” Therefore, Tracy cannot make up for the deficiencies of Park and Stuart. Therefore, applicants respectfully submit that one of ordinary skill in the art would not have found a motivation to combine the teachings Tracy with the teachings of Park or Stuart to obtain the subject matter of claim 1, absent impermissible hindsight.

Because the examiner has not provide a proper motivation or suggestion for one of ordinary skill in the art to have combined Park, Stewart, and Tracy absent impermissible hindsight to obtain the subject matter of claim 1, applicants respectfully submit that the rejection of claim 1 under 35 USC 103(a) is improper and should be reversed.

g. **Conclusion - The Examiner Has Not Made a Prima Facie Case of Obviousness of Claim 1**

First, applicants respectfully submit that the rejection of claim 1 is improper at least because the examiner has not properly addressed the limitation relating to the “identity information identifying a person associated with said vehicle” defined by claim 1. Thus, the examiner has not established a prima facie case of obviousness.

Second, applicants respectfully submit that the rejection of claim 1 is improper at least because the examiner has not provided a proper motivation or suggestion why one of ordinary skill in the art to would have combined Park, Stewart, and Tracy to obtain the subject matter defined by claim 1, absent impermissible hindsight. Thus, for this additional reason, the examiner has not established a prima facie case of obviousness.

The burden is initially upon the examiner to establish a prima facie case of obviousness. No prima facie case exists. Accordingly, the rejection of claim 1 under 35 USC 103(a), as well as all other claims to which the same issues apply, should be reversed.

2. **Dependent Claims 3-7, 10-14, 17, 18, 20-24, and 26-28**

a. **Dependent Claim 17**

i. **The Examiner's Assertions**

The examiner rejects claim 17 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 17, Park further discloses controller comprises means for logging activity related to display of promotions information (column 4, lines 47-53).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 17, the examiner relies upon the following passages from Park:

Device 40 maintains current information relative to a given geographic region and specific to selected geographic points of interest 14. Under one aspect of the present invention, such geographic points of interest 14 correspond generally to locations of advertisers providing, by way of radio broadcast system 20, both voice information in broadcast 22 and detailed message or text data in broadcast 26. This allows listeners to later reference such data and locate the corresponding geographic point of interest 14 relative to a then current vehicle position. [Park at column 4 lines 47-53.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 17 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 17 because (a) the cited references do not teach all the limitations of claim 17, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

Claim 17 recites “said controller comprises means for logging activity related to display of said promotions information.” [Emphasis added.] Support for the recitation of claim 17 can be found, for example, at page 12 of the specification of this application, which states that:

Controller 11 may also create a log field to keep track of how often promotions information for a particular location is accessed, if the corresponding promotions information is displayed and for what store, if the corresponding promotions information is printed, etc. [Specification at page 12 lines 21-23.]

Therefore, one of ordinary skill in the art would recognize that the recited “logging activity related to display of said promotions information” includes keeping how often promotions information for a particular location is accessed, if the corresponding promotions information is displayed and for what store, if the corresponding promotions information is printed, etc.

In contrast, nothing in the passages from Park cited by the examiner teaches or suggests that Park’s system logs or stores any information at all related to the display of promotions or anything else. Park merely teaches that his system “ maintains current information relative to a given geographic region and specific to selected geographic points of interest 14.” Applicants respectfully submit that one of ordinary skill in the art would not equate Park’s “current information relative to a given geographic region” with the recited “means for logging activity related to display of said promotions information.” Therefore, applicants respectfully submit that the rejection of claim 17 is improper at least because the examiner has not properly addressed the limitation relating to the “ means for logging activity related to display of said promotions information” defined by claim 17. Thus, the examiner has not established a prima facie case of obviousness. Therefore, the rejection dependent claim 17 under 35 USC 103(a) is improper and should be reversed.

b. Dependent Claim 13

i. The Examiner's Assertions

The examiner rejects claim 13 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 13, Park further discloses means for storing information linking promotions information with a business entity; and controller retrieving promotions information associated with business entity based upon a user request for information related to business entity (figure 3 and column 10, lines 25-35).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 13, the examiner relies upon the following passages from Park:

Important to note, as the user scans through stored data records and obtains a presentation on display 100, the then-current vehicle orientation and location are referenced to present a then-current relative position in display portions 100b and 100c, i.e., the current relative direction of travel and distance to the geographic point of interest 14 associated with the data record currently displayed by device 40. Also, processing illustrated in FIG. 7 initiates a timer interrupt procedure updating display portions 100b and 100c as the vehicle orientation and location relative to the currently displayed geographic point of interest 14 changes. [Park at column 10 lines 25-35]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 13 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 13 because (a) the cited references do not teach all the limitations of claim 13, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

c. **Dependent Claim 14**

i. **The Examiner's Assertions**

The examiner rejects claim 14 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 14, Park further discloses means for storing information linking a zone with promotions information (column 5, lines 20-55); and controller retrieving promotions information associated with zone based upon a user request for information related to business entity (column 6, lines 41-55).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 14, the examiner relies upon the following passages from Park in addition to the passages cited above for claim 1:

Where information button 102f, when pressed, indicates to microprocessor 60 operator desire to collect information from data broadcast 26. For example, voice broadcast 22 and data broadcast 26 are synchronized broadcasts and the operator of device 40 hears an advertisement of interest provided by way of voice broadcast 22 and presses the where information button 102f for further information. Microprocessor 60 then collects a data record, i.e., text message information relative to the advertisement of interest, by way of data broadcast 26 and data receiver 62. Text message information presented in display portion 100a is obtained, therefore, by the operator activating the where information button 102f during or just after a voice broadcast advertisement of interest. [Park at column 6 lines 41-54.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 14 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 14 because (a) the cited

references do not teach all the limitations of claim 14, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

d. **Claims 3-7, 10-14, 17, 18, 20-24, and 26-28 - Dependency On an Allowable Claim**

Claims 3-7, 10-14, 17, 18, 20-24, and 26-28 depend directly or indirectly from independent claim 1. Therefore, applicants respectfully submit that claims 3-7, 10-14, 17, 18, 20-24, and 26-28 are not obvious over Park, Stewart, and Tracy for at least the reasons given above for independent claim 1. Therefore, applicants respectfully submit that the rejections of claims 3-7, 10-14, 17, 18, 20-24, and 26-28 under 35 USC 103(a) are improper and should be reversed.

e. **Dependent Claims 18 and 21**

i. **The Examiner's Assertions**

The examiner rejects claims 18 and 21 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claims 18, 21, Stewart discloses a store and a host system wirelessly linked with wireless communications device, store system comprising: a second wireless communications device; a store controller connected to second wireless communications device; store controller providing automatic promotional benefits to identified persons (column 3, lines 45-63; the access point (AP) 10 communicates with the mobile unit 5 in a wireless manner, the AP 10 would be equipped with an appropriate transmitter and receiver compatible in power and frequency range to establish such a wireless communication link). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Stewart above for the purpose of providing promotional benefits to the user.

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claims 18 and 21, the examiner relies upon the following passages from

Stuart:

FIG. 1 shows a geographic-based communications service system, generally designated 1, according to the invention. The system includes a mobile unit (e.g., portable computer) 5, an AP (access point) 10, an information provider 20, a management information base (MIB) 25 and a centralized network 15. The information provider 20 will typically have a processor 21 and memory 22 with controlled access thereto. Typically, access point 10 and mobile unit 5 communicate in a wireless manner. Thus, mobile unit 5 and access point 10 would be equipped with an appropriate transmitter and receiver compatible in power and frequency range to establish such a wireless communication link. In addition, mobile unit 5 would also be equipped with a code generator which generates an identification code that can be transmitted to and recognized by the access point 10 or a system accessed through access point 10. Such an identification code allows recognition of a user before providing access to system services, thereby providing a measure of security and a service billing mechanism. [Stuart at column 3 lines 45-63.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejections of claims 18 and 21 under 35 USC 103(a) are improper and should be reversed because: (1) these claims depend from an allowable claim and, therefore, define over the cited references for at least the reasons given for their parent claim; and (2) the examiner has not made proper *prima facie* rejection of claims 18 and 21 because (a) the cited references do not teach all the limitations of claims 18 and 21, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

f. **Dependent Claim 24**

i. **The Examiner's Assertions**

The examiner rejects claim 24 under 35 USC 103(a), asserting in the Office action mailed

December 9, 2004, that:

Regarding to claim 24, Stewart further discloses a store controller in communication with second controller, store controller provides automatic promotional benefit to identified persons (column 4, lines 48-55; the AP communicates with the rental car agency, hotel, etc.). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made modify Park's to adopt the teaching of Stewart above for the purpose of providing promotional benefit to the user.

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 24, the examiner relies upon the following passages from Stuart:

In another approach according to the invention, one or more selected APs 10 can be programmed to watch for the arrival of a particular mobile unit (target mobile unit). Upon detecting the presence of the target mobile unit, the AP 10 establishing the link with the target mobile unit sends a message directly to the rental car agency, hotel, etc. Since the message has been sent, other APs can then be directed to cease watching for the target mobile unit. [Stuart at column 4 lines 48-55.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection under 35 USC 103(a) of claim 24 is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 24 because (a) the cited references do not teach all the limitations of claim 24, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

3. **Independent Claim 29**

a. **The Examiner's Assertions**

The examiner rejects claim 29 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 29, Park discloses an in-vehicle promotions system installed in a vehicle, comprising:

an RF transmitter and an RF receiver configured to receive transmitted promotions information (column 3, lines 35-67; the Gaskill paging system);

a controller connected to receiver (figure 2, item 60 and column 5, lines 17-20; microprocessor 60);

a device configured to monitor a position of said vehicle in relation to a commercial entity (figure 2, item 80 and column 5, lines 10-17; the GPS receiver 80); and

an interior display configured to be installed in an interior of vehicle and connected to controller where controller caused promotions information to be displayed on interior display based on an automatically detected position of said vehicle which indicates that the vehicle is in a predetermined position with respect to the commercial entity (figure 2, item 100; column 5, lines 20-32; column 6, lines 3-15 and figure 3).

Park does not disclose an RF transmitter configured to transmit identity information identifying a person associated with the vehicle and the RF receiver configured to receive promotional information targeted for the person based on a purchase history of the person. However, Stewart discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device and to receive promotional information targeted for the person based on a purchase history of the person (column 5, lines 40-55; the mobile unit 5 transmit the identification number of the mobile unit 5, the AP 10 thereby identifying both the user and his location to the network; column 7, lines 5-20; column 6, line 50-column 7, line 5; the service providers 20 extract data from past transactions for each of user in

order to provide corresponding services for new transactions). Moreover, Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Stewart for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically outputting said promotional information to said interior display. However, Tracy discloses automatically outputting said promotional information to said interior display (column, lines; automatically outputting the promotional information to the display of the portable terminal 70). Moreover, Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Office action mailed December 9, 2004 page 2 line 20 through page 16 line 6.]

b. The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner

In rejecting claim 29 the examiner relies upon the same passages from Park, Stewart, and Tracy as cited above for claim 1.

c. Applicants' Reply

Claim 29 recites "...an RF transmitter configured to transmit *identity information identifying a person associated with said vehicle....*" Emphasis added. For the reasons given above for independent claim 1, applicants respectfully submit that the passages from Park, Stewart, and Tracy cited by the examiner, alone or in combination, do not teach or suggest "identity information identifying a person associated with said vehicle," as recited in claim 29. Therefore, the passages from Park, Stewart, and Tracy cited by the examiner do not teach or suggest all the limitations of claim 29. Therefore, applicants respectfully submit that the

examiner has not made out a proper *prima facie* rejection of independent claim 29. Therefore, applicants respectfully submit that the rejection under 35 USC 103(a) of claim 29 is improper and should be reversed

4. Dependent Claims 34-40 and 42

a. Dependent Claims 34-40 and 42- Dependency On an Allowable Claim

Claims 34-40 and 42 depend directly or indirectly from independent claim 29. Therefore, applicants respectfully submit that claims 34-40 and 42 are not obvious over Park, Stewart, and Tracy for at least the reasons given above for independent claim 29. Therefore, applicants respectfully submit that the rejections of claims 34-40 and 42 under 35 USC 103(a) are improper and should be reversed.

b. Dependent Claims 34, 36, and 40

i. The Examiner's Assertions

The examiner rejects claims 34, 36, and 40 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claims 34, 36, 40, Stewart discloses a host system which comprises: a second controller; and RF transmitter for transmitting said promotions information to said FRF receiver and a promotions information storage device connected to the second controller; RF transmitter is located in a store and has a transmitting range proximate to store (column 3, lines 45-63; the access point (AP) 10 communicates with the mobile unit 5 in a wireless manner, the AP 10 would be equipped with an appropriate transmitter and receiver compatible in power and frequency range to establish such a wireless communication link). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Stewart above for the purpose of providing promotional benefits to the user.

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

FIG. 1 shows a geographic-based communications service system, generally designated 1, according to the invention. The system includes a mobile unit (e.g., portable computer) 5, an AP (access point) 10, an information provider 20, a management information base (MIB) 25 and a centralized network 15. The information provider 20 will typically have a processor 21 and memory 22 with controlled access thereto. Typically, access point 10 and mobile unit 5 communicate in a wireless manner. Thus, mobile unit 5 and access point 10 would be equipped with an appropriate transmitter and receiver compatible in power and frequency range to establish such a wireless communication link. In addition, mobile unit 5 would also be equipped with a code generator which generates an identification code that can be transmitted to and recognized by the access point 10 or a system accessed through access point 10. Such an identification code allows recognition of a user before providing access to system services, thereby providing a measure of security and a service billing mechanism. [Stuart at column 3 lines 45-63.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejections of claims 34, 36, and 40 are improper and should be reversed because: (1) these claims depend from an allowable claim and, therefore, define over the cited references for at least the reasons given for their parent claim; and (2) the examiner has not made proper *prima facie* rejection of claims 34, 36, and 40 because (a) the cited references do not teach all the limitations of claims 34, 36, and 40, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

c. **Dependent Claim 38**

i. **The Examiner's Assertions**

The examiner rejects claim 38 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 38, Park further discloses promotions information is displayed in response to information provided by a user request (column 10, lines 25-35).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

The examiner relies upon the same passages as for claim 13 above.

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 38 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 38 because (a) the cited references do not teach all the limitations of claim 38, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

d. **Dependent Claim 39**

i. **The Examiner's Assertions**

The examiner rejects claim 39 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 39, Park further discloses a wireless communications device installed in vehicle and connected to controller (see figure 4). Stewart discloses a store system wirelessly linked with wireless communications device (column 3, lines 45-63; the access point (AP) 10 communicates with the mobile unit 5 in a wireless manner, the AP 10 would be equipped with an appropriate transmitter and receiver compatible in power and frequency range to establish such a wireless communication link). Therefore, it would have been obvious to

one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Stewart above for the purpose of providing promotional benefits to the user.

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 39 the examiner relies upon the same passages from Stuart as cited above for claim s 34, 36, and 40 above.

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 39 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 39 because (a) the cited references do not teach all the limitations of claim 39, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

e. **Dependent Claim 42**

i. **The Examiner's Assertions**

The examiner rejects claim 42 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 42, Stewart further discloses a store controller in communication with second controller, store controller provides automatic promotional benefit to identified persons (column 4, lines 48-55; the AP communicates with the rental car agency, hotel, etc.). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made modify Park's to adopt the teaching of Stewart above for the purpose of providing promotional benefit to the user. [Office action mailed December 9, 2004 page 2 line 20 through page 16 line 6.]

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

Device 40 maintains current information relative to a given geographic region and specific to selected geographic points of interest 14. Under one aspect of the present invention, such geographic points of interest 14 correspond generally to locations of advertisers providing, by way of radio broadcast system 20, both voice information in broadcast 22 and detailed message or text data in broadcast 26. [Park at column 4 lines 48-55.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 42 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 42 because (a) the cited references do not teach all the limitations of claim 42, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

5. **Independent Claim 43**

a. **The Examiner's Assertions**

The examiner rejects claim 43 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 43, Park discloses a method of displaying promotions information in a vehicle, comprising:

storing data corresponding to promotions information in vehicle (column 6, lines 55-65);

monitoring a position of said vehicle in relation to a store with which the promotions information is associated (column 5, lines 33-55); and

displaying data on an interior display after it is automatically detected by said monitoring step that said vehicle comes within a defined proximity to a store

with which promotions information is associated (column 5, lines 20-32).

Park does not disclose transmitting identifying information identifying a person associated with said vehicle and promotions information targeted for said person based on a purchase history of said person. However, Stewart discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device and to receive promotional information targeted for the person based on a purchase history of the person (column 5, lines 40-55; the mobile unit 5 transmit the identification number of the mobile unit 5, the AP 10 thereby identifying both the user and his location to the network; column 7, lines 5-20; column 6, line 50-column 7, line 5; the service providers 20 extract data from past transactions for each of user in order to provide corresponding services for new transactions). Moreover, Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Stewart for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically displaying said promotional information to said interior display. However, Tracy discloses automatically displaying said promotional information to said interior display (column, lines; automatically outputting the promotional information to the display of the portable terminal 70). Moreover, Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Office action mailed December 9, 2004 page 2 line 20 through page 16 line 6.]

**b. The Passages from Park, Stewart, and Tracy Relied Upon By
the Examiner**

In rejecting claim 43 the examiner relies upon the passages from Park, Stewart, and Tracy as cited above for claim 1. The examiner also relies upon the following additional passages from Park:

A compass 104 provides a vehicle orientation input 106 to microprocessor 60. Device 40 uses the current vehicle position, i.e., as provided by vehicle location 82, and also the current vehicle orientation, as provided by input 106, to calculate a graphic indication, i.e., a display vector orientation, indicating direction of travel for a geographic point of interest 14 relative to the current vehicle position. To portray on display 100 the relative direction, i.e., toward the geographic point of interest, current vehicle orientation is considered. Thus, calculation and display of a vector on display 100 begins with calculation of distance between two points designated by longitude and latitude values, i.e., distance between the current vehicle location and the geographic point of interest 14, and calculation of an angle of orientation for a direction of travel. In other words, display 100 has a fixed relationship relative to vehicle 10 and vehicle orientation input 106 supports an accurate display of a direction of travel as presented by vector icon on display 100. Furthermore, the display presented may be updated as vehicle 10 moves and the distance between vehicle 10 and the geographic point of interest 14 changes and also as vehicle orientation changes. [Park at column 4 lines 20-34.]

* * *

Device 40 holds multiple data records, i.e., one for each geographic point of interest 14. Stored information button 102g allows scanning through such stored data records and selective display of the previously stored data record for a geographic point of interest 14. In this manner, the user of device 40 constructs a personal electronic reference tracking travel information including data records for particular geographic points of interest 14, i.e., data records selected by and of

interest to a particular user. The user thereby builds a personalized and current database of geographic points of interest 14. [Park at column 6 lines 55-65.]

c. Applicants' Reply

Claim 43 recites "...transmitting *identifying information identifying a person associated with said vehicle....*" Emphasis added. For the reasons given above for independent claim 1, applicants respectfully submit that the passages from Park, Stewart, and Tracy cited by the examiner, alone or in combination, do not teach or suggest "identifying information identifying a person associated with said vehicle," as recited in claim 43. Therefore, the passages from Park, Stewart, and Tracy cited by the examiner do not teach or suggest all the limitations of claim 43. Therefore, applicants respectfully submit that the examiner has not made out a proper *prima facie* rejection of independent claim 43. Therefore, applicants respectfully submit that the rejection under 35 USC 103(a) of claim 43 is improper and should be reversed

6. Dependent Claims 44, 45, and 49-57

a. Claims 44, 45, and 49-57 - Dependency On an Allowable Claim

Claims 44, 45, and 49-57 depend directly or indirectly from independent claim 43. Therefore, applicants respectfully submit that claims 44, 45, and 49-57 are not obvious over Park, Stewart, and Tracy for at least the reasons given above for independent claim 43. Therefore, applicants respectfully submit that the rejections of claims 44, 45, and 49-57 under 35 USC 103(a) are improper and should be reversed.

b. Dependent Claim 45

i. The Examiner's Assertions

The examiner rejects claim 45 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 45, Park further discloses storing data linking a position of vehicle with promotions information; monitoring position of vehicle; and displaying data corresponding to promotions information using data linking position and promotions information after position of vehicle is within defined

proximity to store (column 5, line 20-column 6, line 15).

ii. **The Passages from Park, Stewart, and Tracy Relied
Upon By the Examiner**

In rejecting claim 45 the examiner relies upon the following additional passages from Park as well as the passages cited above for claim 43:

FIG. 3 illustrates a front view of the travel information device 40 monitoring the combined voice and data broadcasts 22 and 26 and global positioning system broadcast 52. FIG. 3 also illustrates display 100 and input controls 102. Input controls 102 include a tune dial 102a, a volume dial 102b and an AM/FM switch 102c. As may be appreciated, device 40 operates, from a user perspective, in part as a conventional car radio. The user manipulates input controls 102a-102c to listen to a voice broadcast 22 on speakers 70. Additional control inputs 102 for device 40 include a clock button 102d, a tuner button 102e, a where information button 102f, a stored information button 102g, a filter button 102h, and a here button 102i. Use of input controls 102d-102i will be explained more fully hereafter, but generally provide to the user various display presentations relative to display 100 and modes of operation for device 40.

As illustrated in FIG. 3, display 100 presents a text message display portion 100a showing information such as vendor name, address, and current marketing information, for example, a sale or promotional activity including a date of availability for the promotional activity. Display portion 100a further presents a category of vendor, e.g., sporting goods. As may be appreciated, the data records obtained from data broadcast 26 and stored in device 40 include a variety of fields as indicated generally by the display portion 100a in FIG. 3. In such form, information maintained in device 40 may be manipulated in the manner of a database, e.g., searching, sorting, and other such database record management functions. [Park at column 4 line 55 to column 5 line 15.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 45 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 45 because (a) the cited references do not teach all the limitations of claim 45, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

c. **Dependent Claim 49**

The examiner rejects claim 49 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

i. **The Examiner's Assertions**

Regarding to claim 49, Park further discloses defining a zone proximate to store; determining a position of vehicle; comparing position with zone; and determining whether to display data based upon comparison (column 5, lines 20-55).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 49 the examiner relies upon the same passages cited above for claim 45.

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 49 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 49 because (a) the cited references do not teach all the limitations of claim 49, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

d. **Dependent Claim 53**

i. **The Examiner's Assertions**

The examiner rejects claim 53 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 53, Stewart discloses transmitting data from a host system; and receiving data in vehicle (column 3, lines 45-63; the access point (AP) 10 communicates with the mobile unit 5 in a wireless manner, the AP 10 would be equipped with an appropriate transmitter and receiver compatible in power and frequency range to establish such a wireless communication link). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's adopt the teaching of Stewart above for the purpose of providing promotional benefits to the user).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 53 he examiner relies upon the same passages from Stuart as cited above for claim s 34, 36, and 40.

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 53 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 53 because (a) the cited references do not teach all the limitations of claim 53, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

e. **Dependent Claim 54**

i. **The Examiner's Assertions**

The examiner rejects claim 54 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 54, Park further discloses using data stored in vehicle for a predetermined period of time; and updating data with updated data

transmitted from host (column 9, lines 18-32);

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 54 the examiner relies upon the following additional passage from Park:

Then, in block 190, microprocessor 60 displays the text message data available in the collected data record. An alarm presented in block 190 indicates to the user collection of a data record potentially of interest, i.e., satisfying the user-designated criteria provided in block 180. Decision block 192 allows the user opportunity to discard or keep for permanent storage the data record just collected. Accordingly, if the user declines storage of the just-collected data record then processing returns immediately to block 182. Otherwise, processing advances through block 194 where the just-collected data record is stored for later reference by operation of the stored information button 102g. Processing then returns from block 194 to block 182 for collection of a next data record. [Park at column 9 lines 18-47.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 54 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 54 because (a) the cited references do not teach all the limitations of claim 54, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

f. **Dependent Claim 55**

i. **The Examiner's Assertions**

The examiner rejects claim 55 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 55, Park further discloses automatically updating data with updated data (column 9, lines 33-47).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 55 the examiner relies upon the following additional passage from Park:

As may be appreciated, an exit procedure (not shown) interrupts the data record collection loop represented by flow chart in FIG. 5. For example, the user may wish to terminate collection or may wish to modify the designation of data record collection criteria in block 180. Furthermore, processing at decision block 192 need not forego collection of additional data records in data broadcast 26. In other words, additional records may be queued for review by the operator even though microprocessor 60 is awaiting input at decision block 192. Also, should the operator not respond immediately at decision block 192, a time-out feature allows processing to advance without requiring user input, e.g., accepts for storage the data record qualifying under the user designated criteria and allows the user to later delete the record from device 40. [Park at column 9 lines 37-47.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 55 under 35 USC 103(a) is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 55 because (a) the cited references do not teach all the limitations of claim 55, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

g. **Dependent Claim 56**

i. **The Examiner's Assertions**

The examiner rejects claim 56 under 35 USC 103(a), asserting in the Office action mailed

December 9, 2004, that:

Regarding to claim 56, Park further discloses storing at least one of position data relating to a position of store and identification data identifying store; displaying data corresponding to promotions information based upon at least one of position data and identification data (column 8, line 52-column 9, line 5).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 56 the examiner relies upon the following additional passage from Park:

In FIG. 5, processing begins in block 180 where microprocessor 60 obtains, from the user, appropriate filtering criteria. For example, user interaction is conducted by way of display 100 and alternate functions defined for control inputs 102 to collect from the user a designation of filter criteria. For example, the user may be interested in all data records broadcast and being associated with a location within a given distance of current vehicle location. In this manner, the user collects advertising information for vendors in close and convenient proximity to current vehicle location. Also, data records are classified according to category, and the user designates as qualifying under user criteria certain categories of information. For example, the user may be interested in certain types of products or services advertised and having associated data records in data broadcast 22. In any event, block 180 represents user designation of criteria applied to data records appearing in data broadcast 22, i.e., which of those data records will be accepted and stored by device 40 for later reference by operation of the stored information button 102g. [Park at column 8 line 52 to column 9 line 4.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 56 under 35 USC 103(a) is

improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 56 because (a) the cited references do not teach all the limitations of claim 56, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

7. Independent Claim 59

Applicants respectfully submit that the examiner does not specify reasons for rejecting claim 59 in the Office action mailed December 9, 2004.

Claim 59 recites "... storing data corresponding to said promotions information in said vehicle; associating said promotions information with a store; and displaying said data based upon user request for information concerning said store" Applicants respectfully submit that Park, Stewart, and Tracy, alone or in combination, do not teach or suggest all the limitations of claim 59. Therefore, applicants respectfully submit that the examiner has not made out a proper *prima facie* rejection of independent claim 59. Therefore, applicants respectfully submit that the rejection under 35 USC 103(a) of claim 59 is improper and should be reversed

8. Independent Claim 60

a. The Examiner's Assertions

The examiner rejects claim 60 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 60, Park discloses a method of distributing promotions information, comprising:

forming a database of promotions information of at least one store
(column 6, lines 55-65);

wirelessly distributing data corresponding to promotions information to a
vehicle (column 4, lines 20-34);

monitoring a position of said vehicle in relation to a store (column 5, lines
33-55);

displaying on interior display data to occupant of vehicle after it is

automatically detected by said monitoring step that said vehicle comes within a defined range of store (column 6, lines 4-15).

Park does not disclose communicating to said store identifying [sic] information identifying a person associated with said vehicles and promotional information targeted for the person based on a purchase history of the person. However, Stewart discloses a wireless communications device configured to transmit identity information identifying a person associated with the wireless communications device and promotional information targeted for the person based on a purchase history of the person (column 5, lines 40-55; the mobile unit 5 transmit the identification number of the mobile unit 5, the AP 10 thereby identifying both the user and his location to the network; column 7, lines 5-20; column 6, line 50-column 7, line 5; the service providers 20 extract data from past transactions for each of user in order to provide corresponding services for new transactions). Moreover, Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Stewart for the purpose of accurately targeting selected customers for improved strategic product promotional plans.

Moreover, Park does not disclose automatically displaying said promotional information to said interior display. However, Tracy discloses automatically displaying said promotional information to said interior display (column, lines; automatically outputting the promotional information to the display of the portable terminal 70). Moreover, Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Tracy for the purpose of more convenient for the user to receive promotional information because the promotional information is automatically display, thus the user does not need to select any button for display promotional information. [Office action mailed December 9, 2004 page 2 line 20 through page 16 line 6.]

b. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 60 the examiner relies upon passages from Park, Stewart, and Tracy as cited above for claims 1 and 43. The examiner also relies upon the following passage from Park:

Thus, travel information device 40 receives several channels of information. First, voice broadcast 22 provided by radio broadcast system 20 provides to the vehicle operator a stream of voice information potentially including reference to geographic points of interest 14, i.e., advertisers located within road network 12. Second, data broadcast 26, as provided in association with voice broadcast 22, provides further detailed text message information captured selectively by device 40, e.g., when commanded by the operator of vehicle 10. This establishes, among other detailed information, a precise location for a geographic point of interest 14. Third, the global position system transmission 52 provides a current vehicle location and, therefore, a basis for presenting location of geographic points of interest 14 relative to current vehicle position. [Park at column 4 lines 20-34.]

c. **Applicants' Reply**

Claim 60 recites "...communicating to said store *identifying information identifying a person....*" Emphasis added. For the reasons given above for independent claim 1, applicants respectfully submit that the passages from Park, Stewart, and Tracy cited by the examiner, alone or in combination, do not teach or suggest "identifying information identifying a person," as recited in claim 60. Therefore, the passages from Park, Stewart, and Tracy cited by the examiner do not teach or suggest all the limitations of claim 60. Therefore, applicants respectfully submit that the examiner has not made out a proper *prima facie* rejection of independent claim 60. Therefore, applicants respectfully submit that the rejection under 35 USC 103(a) of claim 60 is improper and should be reversed

9. **Dependent Claim 61 - Dependency On an Allowable Claim**

Claim 61 depends directly or indirectly from independent claim 60. Therefore, applicants

respectfully submit that claim 61 is not obvious over Park, Stewart, and Tracy for at least the reasons given above for independent claim 60. Therefore, applicants respectfully submit that the rejection of claim 61 under 35 USC 103(a) is improper and should be reversed.

B. The Rejections of Claims 65-73 Under 35 USC 103(a) as Being Unpatentable Over Park in View of Stewart

The examiner rejects claims 65-73 under 35 USC 103(a) as being unpatentable over Park in View of Stewart, asserting that:

1. Independent Claim 65

a. The Examiner's Assertions

The examiner rejects claims 65-73 under 35 USC 103(a) as being unpatentable over Park in View of Stewart, asserting that:

Claims 65-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,627,549 in view of Stewart, U.S. Patent No. 5,835,061.

Regarding to claim 65, Park discloses an in-vehicle promotions system installed in a vehicle, comprising:

a position receiver configured to monitor a position of said vehicle in relation to a commercial entity (figure 2, item 80 and column 5, lines 10-17; the GPS receiver 80);

a wireless communication device configured to receive promotional information from said commercial entity (column 3, lines 35-48; the Gaskill paging system uses FM radio signal);

a controller coupled to said position receiver and said wireless communications device and configured to process said promotional information for display when said controller determined that said vehicle is within the proximity to said commercial entity (figure 2, item 60 and column 5, lines 17-20; microprocessor

60); and

an interior display configured to be installed in an interior of said vehicle and connected to said controller, said interior display configured to display said promotional information (figure 2, item 100 and column 5, lines 20-32; the display 100).

Park does not disclose the commercial entity having a predetermined proximity zone assigned thereto. However, Stewart discloses the commercial entity having a predetermined proximity zone assigned thereto (figure 1, the information provider 20 having an access point (AP) 10 assigned thereto; column 6, lines 23-27; an access point location is defined as a particular hotel; column 8, lines 15-18; the user accessing a network through an access point in a hotel may be provide information about promotions offered by that hotel). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Stewart for the purpose of assigning a predetermined proximity zone for each commercial entity, thus the user can receive promotional information when the vehicle is in the a predetermined zone of the commercial entity. [Office action mailed December 9, 2004 page 16 line 7 through page 19 line 9.]

b. The Passages from Park and Stewart Relied Upon By the Examiner

In rejecting claim 65 the examiner relies upon the same passages from Park and Stewart as cited above for claim 1.

2. Dependent Claims 66-73

a. Claims 66-73 - Dependency On an Allowable Claim

Claims 66-73 depend directly or indirectly from independent claim 65. Therefore, applicants respectfully submit that claims 66-73 are not obvious over Park, Stewart, and Tracy for at least the reasons given above for independent claim 65. Therefore, applicants respectfully submit that the rejections of claims 66-73 under 35 USC 103(a) are improper and should be

reversed.

b. Dependent Claim 66

i. The Examiner's Assertions

The examiner rejects claim 66 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 66, Park further discloses wherein said position receiver comprises a first receiver dedicated to monitoring a position of said vehicle, and said wireless communications device comprises a second receiver dedicated to receiving said promotional information from the commercial entity (figure 2, item 80 and column 5, lines 10-17; the GPS receiver 80; column 3, lines 35-48; the Gaskill paging system uses FM radio signal).

ii. The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner

In rejecting claim 66 the examiner relies on the same passages as cited for claim 1 above.

iii. Applicants' Reply

Applicants respectfully submit that the rejection of claim 66 is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 66 because (a) the cited references do not teach all the limitations of claim 66, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

c. Dependent Claim 67

i. The Examiner's Assertions

The examiner rejects claim 67 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 67, Park further discloses wherein said first receiver comprises at least one of a GPS or a LORAN receiver (figure 2, item 80 and column 5, lines 10-17; the GPS receiver 80).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 1 the examiner relies on the same passages as cited for claim 1 above.

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 67 is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 67 because (a) the cited references do not teach all the limitations of claim 67, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

In rejecting claim 67 the examiner relies on the same passages as cited for claim 1 above.

d. **Dependent Claim 68**

i. **The Examiner's Assertions**

The examiner rejects claim 68 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 68, Park further discloses wherein said second receiver comprises an RF receiver (column 3, lines 35-40; radio signal receiver 62).

ii. **The Passages from Park, Stewart, and Tracy Relied Upon By the Examiner**

In rejecting claim 68 the examiner relies on the same passages as cited for claim 1 above.

iii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 68 is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 68 because (a) the cited references do not teach all the limitations of claim 68, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

e. **Dependent Claims 69-72**

i. **The Examiner's Assertions**

The examiner rejects claims 69-72 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claims 69-72, Stewart further discloses a memory storing a lookup table of data identifying the commercial entity in association with data defining said predetermined proximity zone, wherein said controller is configured to:

monitor said first receiver to determine a position of said vehicle, and compare said position of said vehicle to said lookup table to determine that said vehicle is within the predetermined proximity zone assigned to said commercial entity (column 6, lines 10-27; the memory MIB 25 storing a directory of all the APs; column 4, lines 8-20); said position receiver and said wireless communications device comprise a single receiver configured to receive said promotions through a wireless signal from said commercial entity, said wireless signal having a limited transmission range corresponding to said predetermined proximity zone assigned to said commercial entity; wherein said single receiver comprises an RF receiver (column 5, lines 22-30; the mobile unit 5 is a single receiver); wherein said controller determines that said vehicle is within the predetermined proximity zone assigned to said commercial entity by monitoring said single receiver to determine if said wireless signal having a limited range has been received by said single receiver (column 4, lines 8-20). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's to adopt the teaching of Stewart for the purpose of assigning a predetermined proximity zone for each commercial entity, thus the user can receive promotional information when the vehicle is in the a predetermined zone of the commercial entity.

ii. **The Passages from Park, Stewart, and Tracy Relied
Upon By the Examiner**

In rejecting claims 69-72 the examiner relies upon the following additional passages from Stuart:

As illustrated in FIG. 2 a first step according to the invention is establishing a connection between a mobile unit and an access point. Referring again to FIG. 1, the mobile unit 5 can send a beacon signal that is picked up by one of the APs 10 located in a plurality of locations within a geographic region. When the beacon signal is picked up by a particular AP 10, the beacon signal is transmitted back to the management information base (MIB) 25 by AP 10. Since the location of the access point is defined and known by MIB 25, detection of the presence of the mobile unit by an AP 10 allows MIB 25 to know exactly where the mobile user is located at any given time. For example, the MIB could store the latitude, longitude, altitude, and other geographic information such as a local map of the area of each access point. [Stuart at column 4 lines 8-21.]

* * *

Assume, for example, that a user of the mobile unit 5 is located at an airport and that several APs 10 are located at the same airport. The mobile unit 5 is connected to an antenna 6, and the AP 10 is connected to an antenna 8 which can both receive and transmit radio frequency (RF) signals at designated transmit and receive frequency bands. RF signals over-the-air from AP 10 are received by the antenna 6, and sent to mobile unit 5. [Stuart at column 5 lines 23-30.]

* * *

Network 15 shown in FIG. 2 stores information in the MIB 25. MIB 25 is a mechanism, such as a memory, which allows the persistent storage of information needed by network 15 to operate. Examples of such information include a directory of all the elements (APs, mobile units, etc) in the network, the topology of the network, characteristics of individual network elements, characteristics of connection links, performance and trend statistics, and any

information which is of interest in the operation of the network 15. For example, the MIB would store the precise longitude, latitude, altitude and other geographic information pinpointing the location of each AP 10. Alternatively, an access point can be located by its proximity to another known location. For example, an access point location may be defined as a particular hotel known to be a particular address or having known latitude and longitude coordinates. The extent of geographic area covered by an access point may be defined in the same ways. [Stuart at column 6 lines 9-27.]

iii. **Applicants' Reply**

Applicants respectfully submit that the rejections of claims 69-72 are improper and should be reversed because: (1) these claims depend from an allowable claim and, therefore, define over the cited references for at least the reasons given for their parent claim; and (2) the examiner has not made proper *prima facie* rejection of claims 69-72 because (a) the cited references do not teach all the limitations of claims 69-72, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

f. **Dependent Claim 73**

i. **The Examiner's Assertions**

The examiner rejects claim 73 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Regarding to claim 73, Park and Stewart do not disclose wherein said predetermined proximity zone assigned to a commercial entity comprises a zone corresponding to a parking lot of the commercial entity, and said controller is configured to process said promotional information for display when said controller determines that said vehicle is within the parking lot. However, it is well known and obvious to include the parking lot of the commercial entity in predetermined proximity zone assigned to the commercial entity. Therefore, it would have been obvious to one with ordinary skill in the art at the time the

invention was made to include the feature above with the system of Park modified by Stewart for the purpose of providing promotional information to the user when the vehicle is in the a predetermined zone of the commercial entity. [Office action mailed December 9, 2004 page 16 line 7 through page 19 line 9.]

ii. **Applicants' Reply**

Applicants respectfully submit that the rejection of claim 73 is improper and should be reversed because: (1) this claim depends from an allowable claim and, therefore, defines over the cited references for at least the reasons given for its parent claim; and (2) the examiner has not made proper *prima facie* rejection of claim 73 because (a) the cited references do not teach all the limitations of claim 73, and (b) the examiner does not provide a proper motivation or suggestion for one of ordinary skill in the art to combine or modify the cited references to produce the claimed subject matter absent impermissible hindsight.

C. **The Rejections of Claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 Under 35 USC 103(a) as Being Unpatentable Over Park in View of Stewart and Tracy, and Further in View of Malackowski**

1. **The Examiner's Assertions**

The examiner rejects claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 under 35 USC 103(a), asserting in the Office action mailed December 9, 2004, that:

Claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park, U.S. Patent No. 5,627,549 in view of Stewart, U.S. Patent No. 5,835,061 and Tracy et al (hereinafter Tracy), U.S. Patent No. 5,979,757, and further in view of Malackowski et al (hereinafter Malackowski), U.S. Patent No. 5,867,780.

Regarding to claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63, Park does not disclose a printer connected to controller for printing coupon information and touch screen display. However, Malackowski discloses a printer connected to controller for printing coupon information (column 9, lines 15-25). Moreover, touch screen display are old and well-known in the art. Therefore, it would have

been obvious to one with ordinary skill in the art at the time the invention was made to modify Park's modified by Stewart and Tracy to include the features above for the purpose of allowing the user to print out the coupon information and providing more convenient to the user when using touch screen input instead of keypad input. [Office action mailed December 9, 2004 page 19 lines 10-23.]

2. The Passages from Malackowski Relied Upon By the Examiner

Integration of the wireless telephone to the Intelligent Vehicle Highway System (IVHS) 219 will provide enhanced features and further communication abilities utilizing the receiver and transmitter of the wireless phone. The wireless telephone may also be connected by hardwire interface to a vehicle's printer or other mobile facsimile or printer at 218 to allow printed transmissions from advertisers, including coupons, etc. Finally, the wireless telephone may be connected by a hardwire interface to a vehicle's radio 220 to allow audible display of telephony functions or the receipt and display of audio messages sent by other wireless means to the user. [Malackowski at column 9 lines 15-25.]

3. Claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 - Dependency On Allowable Claims

Claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 depend directly or indirectly from allowable independent claims 1, 29, 43, and 60. Therefore, applicants respectfully submit that claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 are not obvious over Park, Stewart, Tracy, and Malackowski for at least the reasons given above for independent claims 1, 29, 43, and 60. Therefore, applicants respectfully submit that the rejections of claims 2, 8, 15, 16, 30-33, 46-48, 62, and 63 under 35 USC 103(a) are improper and should be reversed.

Respectfully Submitted,

6/30/2005 
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VIII. 37 CFR 41.37(c)(1)(viii) - Claims appendix

Appendix

1. An in-vehicle promotions system installed in a vehicle, comprising:
 - a position receiver configured to provide automatically detected position data for said vehicle thereby monitoring a position of said vehicle in relation to a commercial entity;
 - a controller connected to said receiver;
 - a wireless communications device connected to said controller and configured to transmit identity information identifying a person associated with said vehicle and to receive promotional information targeted for said person based on a purchase history of said person;and
 - an interior display configured to be installed in an interior of said vehicle and connected to said controller,
 - wherein said controller automatically outputs said promotional information to said interior display based on said position data indicating that said vehicle is in a predetermined position in relation to said commercial entity.
2. A system as recited in claim 1, comprising a printer connected to said controller.
3. A system as recited in claim 1, wherein said receiver comprises one of a GPS receiver and a Loran receiver.
4. A system as recited in claim 1, wherein said wireless communications device comprises one of a radio modem, a cellular modem and paging transceiver.
5. A system as recited in claim 1, comprising:
 - a memory connected to said controller having a lookup table linking a position of said vehicle with a storage location of promotions information.

6. A system as recited in claim 5, comprising:
means for updating said memory.
7. A system as recited in claim 5, wherein:
said memory comprises a promotions information storage area.
8. A system as recited in claim 1, wherein:
said display comprises touch command areas for controlling display and printing of
promotions information displayed on said display.
9. (Canceled)
10. A system as recited in claim 1, comprising:
means for storing information linking a zone with promotions information; and
said controller retrieving said promotions information associated with said zone based
upon said vehicle entering said zone.
11. A system as recited in claim 10, comprising:
means for storing information linking a zone proximate to a store with promotions
information associated with said store.
12. A system as recited in claim 10, comprising:
said controller displaying said promotions information associated with said zone only
after said vehicle enters said zone.
13. A system as recited in claim 1, comprising:
means for storing information linking promotions information with a business entity;
and
said controller retrieving said promotions information associated with said business entity

based upon a user request for information related to said business entity.

14. A system as recited in claim 1, comprising:
means for storing information linking a zone with promotions information; and
said controller retrieving said promotions information associated with said zone based upon a user request for information related to said business entity.

15. A system as recited in claim 1, wherein
said promotions information including coupon information.

16. A system as recited in claim 15, wherein said display includes means for activating printing of a coupon information using said printer.

17. A system as recited in claim 1, wherein said controller comprises means for logging activity related to display of said promotions information.

18. A system as recited in claim 1, further comprising a store system wirelessly linked with said wireless communications device, said store system comprising:
a second wireless communications device;
a store controller connected to said second wireless communications device; and
said store controller providing automatic promotional benefits to said vehicle.

19. (Canceled)

20. A system as recited in claim 18, wherein said controller is further adapted to communicate to said store controller an indication of promotion displayed on said display.

21. A system as recited in claim 1, further comprising a host system wirelessly linked with said wireless communications device, said host system comprising:

a second controller;

a second wireless communications device connected to said second controller; and

a promotions information storage device connected to said second controller.

22. A system as recited in claim 21, wherein:

said receiver is adapted to output a position of said vehicle to said controller;

said controller comprises means for retrieving promotions information from said host system based upon said position.

23. A system as recited in claim 21, comprising:

a memory connected to said controller storing information linking position and a storage location of corresponding promotions information;

said controller comprises means for automatically retrieving from said host system updated information linking said position and said location of corresponding promotions information.

24. A system as recited in claim 21, further comprising a store controller in communication with said second controller and wherein said store controller provides automatic promotional benefits to said vehicle.

25. (Canceled)

26. A system as recited in claim 24, wherein said controller further communicates to said store controller an indication of promotion displayed on said display.

27. A system as recited in claim 1, comprising:

means for storing at least one of position data corresponding to a position of a store with which promotions data is associated and identification data identifying said store;

said display including means for displaying said data based upon at least one said position

data and said identification data.

28. A system as recited in claim 27, comprising:
means for retrieving said promotions data based upon at least one of said position data and said identification data.

29. An in-vehicle promotions system installed in a vehicle, comprising:
an RF transmitter configured to transmit identity information identifying a person associated with said vehicle;
an RF receiver configured to receive transmitted promotions information targeted for said person based on a purchase history of said person;
a controller connected to said receiver;
a device configured to monitor a position of said vehicle in relation to a commercial entity; and
an interior display configured to be installed in an interior of said vehicle and connected to said controller wherein said controller causes said promotions information to be automatically displayed on said interior display based on an automatically detected position of said vehicle which indicates that the vehicle is in a predetermined position with respect to the commercial entity.

30. A system as recited in claim 29, comprising a printer connected to said controller.

31. A system as recited in claim 29, wherein:
said display comprises touch command areas for controlling display and printing of said promotions information displayed on said display.

32. A system as recited in claim 29, wherein:
said display displays said promotions information including coupon information;

33. A system as recited in claim 32, wherein said display includes means for activating printing of said coupon information using said printer.

34. A system as recited in claim 29, further comprising a host system which comprises:
a second controller;
an RF transmitter for transmitting said promotions information to said RF receiver;
and
a promotions information storage device connected to said second controller.

35. A system as recited in claim 34, comprising:
means for updating said storage device.

36. A system as recited in claim 29, wherein:
said RF transmitter is located in a store;
said RF transmitter has a transmitting range proximate to said store.

37. A system as recited in claim 36, comprising:
said RF receiver receiving said promotions information upon said vehicle position being within said range.

38. A system as recited in claim 29, wherein:
said promotions information is displayed in response to information provided by a user request.

39. A system as recited in claim 29, further comprising;
a wireless communications device installed in said vehicle and connected to said controller;
a store system wirelessly linked with said wireless communications device.

40. A system as recited in claim 39, wherein said store system comprises:

- a second wireless controller; and
- a store controller which provides automatic promotional benefits to said vehicle.

41. (Canceled)

42. A system as recited in claim 40, wherein said controller further communicates to said store controller an indication of promotion displayed on said display.

43. A method of displaying promotions information to a vehicle occupant, comprising:

- transmitting identifying information identifying a person associated with said vehicle;
- storing data corresponding to promotions information targeted for said person based on a purchase history of said person in said vehicle;
- monitoring a position of said vehicle in relation to a store with which the promotions information is associated; and
- automatically displaying said data on an interior display after it is automatically detected by said monitoring step that said vehicle comes within a defined proximity to the store with which said promotions information is associated.

44. A method as recited in claim 43, comprising:
updating said data.

45. A method as recited in claim 43, comprising:
storing data linking a position of said vehicle with said promotions information;
monitoring said position of said vehicle; and
displaying said data corresponding to said promotions information using said data linking said position and said promotions information after said position of said vehicle is within said

defined proximity to said store.

46. A method as recited in claim 43, comprising:
printing said data in said vehicle.

47. A method as recited in claim 43, comprising:
said data including coupon information.

48. A method as recited in claim 43, further comprising printing said coupon information
in said vehicle.

49. A method as recited in claim 43, comprising:
defining a zone proximate to said store;
determining a position of said vehicle;
comparing said position with said zone; and
determining whether to display said data based upon said comparison.

50. A method as recited in claim 43, comprising:
monitoring a position of said vehicle using one of a GPS system and a Loran system.

51. A method as recited in claim 43, comprising:
transmitting said data from store; and
receiving said data in said vehicle.

52. A method as recited in claim 43, comprising:
providing to said person an automatic promotional benefit corresponding to said data.

53. A method as recited in claim 43, comprising:
transmitting said data from a host system; and

receiving said data in said vehicle.

54. A method as recited in claim 53, comprising:

using said data stored in said vehicle for a predetermined period of time; and
updating said data with updated data transmitted from said host.

55. A method as recited in claim 54, comprising:

automatically updating said data with said updated data.

56. A method as recited in claim 43, comprising:

storing at least one of position data relating to a position of said store and identification data identifying said store;

displaying said data corresponding to said promotions information based upon at least one of said position data and said identification data.

57. A method as recited in claim 56, comprising:

retrieving said data corresponding to said promotions information based upon at least one of said position data and said identification data.

58. (Canceled)

59. A method of displaying promotions information in a vehicle,
comprising:

storing data corresponding to said promotions information in said vehicle;

associating said promotions information with a store; and

displaying said data based upon user request for information concerning said store.

60. A method of distributing promotions information,
comprising:

forming a database of promotions information of at least one store;
communicating to said store identifying information identifying a person associated with said vehicles;
wirelessly distributing data corresponding to promotions information, targeted for said person based on a purchase history of said person, to a vehicle;
monitoring a position of said vehicle in relation to a store; and
automatically displaying on an interior display said data to occupants of said vehicle after it is automatically detected by said monitoring step that said vehicle comes within a defined range of said store.

61. A method as recited in claim 60, comprising:
displaying said data only after said vehicle comes within a defined range of said store.

62. A method as recited in claim 60, comprising:
printing said data corresponding to said promotions information.

63. A method as recited in claim 62, wherein said data comprises coupon data.

64. (Canceled)

65. An in-vehicle promotions system installed in a vehicle, comprising:
a position receiver configured to monitor a position of said vehicle in relation to a commercial entity having a predetermined proximity zone assigned thereto;
a wireless communications device configured to receive promotional information from said commercial entity; and
a controller coupled to said position receiver and said wireless communications device and configured to process said promotional information for display when said controller determines that said vehicle is within the predetermined proximity zone assigned to said commercial entity; and

an interior display configured to be installed in an interior of said vehicle and connected to said controller, said interior display configured to display said promotional information data.

66. The system of Claim 65, wherein:

said position receiver comprises a first receiver dedicated to monitoring a position of said vehicle, and

said wireless communications device comprises a second receiver dedicated to receiving said promotional information from the commercial entity.

67. The system of Claim 66, wherein said first receiver comprises at least one of a GPS or a LORAN receiver.

68. The system of Claim 66, wherein said second receiver comprises an RF receiver.

69. The system of Claim 66, further comprising a memory storing a lookup table of data identifying the commercial entity in association with data defining said predetermined proximity zone, wherein said controller is configured to:

monitor said first receiver to determine a position of said vehicle, and

compare said position of said vehicle to said lookup table to determine that said vehicle is within the predetermined proximity zone assigned to said commercial entity.

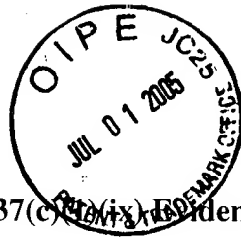
70. The system of Claim 65, wherein said position receiver and said wireless communications device comprise a single receiver configured to receive said promotions through a wireless signal from said commercial entity, said wireless signal having a limited transmission range corresponding to said predetermined proximity zone assigned to said commercial entity.

71. The system of Claim 69, wherein said single receiver comprises an RF receiver.

72. The system of Claim 70, wherein said controller determines that said vehicle is

within the predetermined proximity zone assigned to said commercial entity by monitoring said single receiver to determine if said wireless signal having a limited range has been received by said single receiver.

73. The system of Claim 65, wherein
said predetermined proximity zone assigned to a commercial entity comprises a zone corresponding to a parking lot of the commercial entity, and
said controller is configured to process said promotional information for display when said controller determines that said vehicle is within the parking lot.



IX. **37 CFR 41.37(c)(1)(ix) Evidence Appendix**

This section is not applicable in this appeal.

X. **37 CFR 41.37(c)(1)(x) Related Proceedings Appendix**

This section is not applicable in this appeal.

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